



**west virginia department of environmental protection**

Division of Air Quality  
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Jim Justice, Governor  
Austin Caperton, Cabinet Secretary  
[www.dep.wv.gov](http://www.dep.wv.gov)

March 01, 2017

Gary Goff, President  
PO Box 1098  
Holden, WV 25625

RE: Highland Mining Company  
Rum Creek Plant (Bandmill)  
Permit Application No. R13-3355T  
Plant ID No. 045-00018

Dear Mr. Goff:

Your application for a permit as required by Section 5 of 45CSR13 - "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permit, General Permit, and Procedures for Evaluation" has been approved. The enclosed permit R13-3355T is hereby issued pursuant to Subsection 5.7 of 45CSR13. Please be aware of the notification requirements in the permit which pertain to commencement of construction, modification, or relocation activities; startup of operations; and suspension of operations.

This permit does not affect 45CSR30 applicability. The source is a nonmajor source subject to 45CSR30.

In accordance with 45CSR30- Operating Permit Program, the permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §§22-5-14.

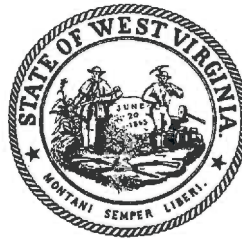
Should you have any questions, please contact me at (304) 926-0499 ext. 1212.

Sincerely,

Thornton E. Martin Jr.  
Permit Engineer

c: Matthew Murray, President, [ggoff@alphanr.com](mailto:ggoff@alphanr.com)  
Donna J. Toler, [donnatoler@suddenlink.net](mailto:donnatoler@suddenlink.net)

# Temporary Permit to Construct



**R13-3355T**

*This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45 C.S.R. 13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The permittee identified at the facility listed below is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.*

Issued to:

**Highland Mining Company**  
Bandmill Coal Corporation  
**045-00018**

A blue ink signature of William F. Durham, written in a cursive style, is positioned above a horizontal line.

*William F. Durham*  
*Director*

*Effective: March 01, 2017*

**EXPIRATION DATE: September 01, 2017**

This is a new permit. This permit will not supercede and replace any current permits.

Facility Location: Ethel, Logan County, West Virginia  
Mailing Address: PO Box 1098, Holden, WV 25625  
Facility Description: Nonmetallic Mineral Processing Plant  
SIC Code: 1422 (Crushed and Broken Limestone)  
UTM Coordinates: 423.12602 km Easting • 4,192.98429 km Northing • Zone 17  
Permit Type: Temporary  
Description of Change:  
Permit to temporarily relocate and operate a portable 400 TPH aggregate crusher/screening plant (Permitted under G40-C075-P1 / 777-00138) to be used for the upkeep and maintenance of the Rum Creek mine site. This unit will be returned to the Pax Surface Mine site after work is completed.

*Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.*

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*This permit does not affect 45CSR30 applicability. The source is a nonmajor source subject to 45CSR30.*

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## 1.0 Emission Units

Equipment ID No.	Date of Manufacture	Description	Maximum Capacity		Control Equipment <sup>1</sup>
			TPH	TPY	
Portable Crushing and Power Screen Unit					
BS-01	2011	10 Ton Feed Bin - receives rock from the endloader and feeds onto belt conveyor BC-01	----	640,000	PW
BC-01	2011	Belt Conveyor receives rock from feed bin BS-01 and transfers to power screen SS-01	400	640,000	N
SS-01	2011	Double Deck Screen - receives rock from BC-01, sizes it and drops to BC-02, BC-03 or BC-04	400	640,000	PW
BC-02	2011	Belt Conveyor receives screened rock from SS-01 and transfers to open stockpile OS-01	400	640,000	N
OS-01	2017	5,000 ton Open Stockpile - receives 1" sized rock from BC-02 and a front end loader transfers to trucks	----	640,000	SW-WS
BC-03	2011	Belt Conveyor receives screened rock from SS-01 and transfers to open stockpile OS-02	400	640,000	N
OS-02	2017	5,000 ton Open Stockpile - receives 2" sized rock from BC-03 and a front end loader transfers to trucks	----	640,000	SW-WS
BC-04	2011	Belt Conveyor receives oversized rock from SS-01 and transfers to feed bin BS-02	400	640,000	N
BS-02	2011	10 Ton Feed Bin - receives rock from belt conveyor BC-04 and feeds onto belt conveyor BC-05	400	640,000	PW
BC-05	2011	Belt Conveyor receives screened rock from BC-04 and transfers to crusher CR-01	400	640,000	N
CR-01	2011	Double Roll Crusher - receives rock from BC-05, crushing and transfers to conveyors BC-06, BC-07 or BC-08 based on size	400	640,000	PW
BC-06	2011	Belt Conveyor receives sized rock from CR-01 and transfers to open stockpile OS-03	400	640,000	N
OS-03	2017	5,000 ton Open Stockpile - receives 1" sized rock from BC-06 and a front end loader transfers to trucks	----	640,000	SW-WS
BC-07	2011	Belt Conveyor receives sized rock from CR-01 and transfers to open stockpile OS-04	400	640,000	N
OS-04	2017	5,000 ton Open Stockpile - receives 2" sized rock from BC-07 and a front end loader transfers to trucks	----	640,000	SW-WS
BC-08	2011	Belt Conveyor receives sized rock from CR-01 and transfers to open stockpile OS-05	400	640,000	N
OS-05	2017	5,000 ton Open Stockpile - receives 3" sized rock from BC-08 and a front end loader transfers to trucks	----	640,000	SW-WS
Engine			Operating Parameters		
E-1	2011	Scania DC09, 275 hp/202 kW, Tier 4i Cert.	13.9 GPH	1600 hrs/yr	SCR
Storage			Annual Throughput		
T1	N/A	1,000 Gallon Diesel Fuel Tank	8,000 gal/yr		N

## 2.0. General Conditions

### 2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45 CSR § 30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

### 2.2. Acronyms

<b>CAAA</b>	Clean Air Act Amendments	<b>NO<sub>x</sub></b>	Nitrogen Oxides
<b>CBI</b>	Confidential Business Information	<b>NSPS</b>	New Source Performance Standards
<b>CEM</b>	Continuous Emission Monitor	<b>PM</b>	Particulate Matter
<b>CES</b>	Certified Emission Statement	<b>PM<sub>2.5</sub></b>	Particulate Matter less than 2.5µm in diameter
<b>C.F.R. or CFR</b>	Code of Federal Regulations	<b>PM<sub>10</sub></b>	Particulate Matter less than 10µm in diameter
<b>CO</b>	Carbon Monoxide	<b>Ppb</b>	Pounds per Batch
<b>C.S.R. or CSR</b>	Codes of State Rules	<b>pph</b>	Pounds per Hour
<b>DAQ</b>	Division of Air Quality	<b>ppm</b>	Parts per Million
<b>DEP</b>	Department of Environmental Protection	<b>Ppmv or ppmv</b>	Parts per million by volume
<b>dscm</b>	Dry Standard Cubic Meter	<b>PSD</b>	Prevention of Significant Deterioration
<b>FOIA</b>	Freedom of Information Act	<b>psi</b>	Pounds per Square Inch
<b>HAP</b>	Hazardous Air Pollutant	<b>SIC</b>	Standard Industrial Classification
<b>HON</b>	Hazardous Organic NESHAP	<b>SIP</b>	State Implementation Plan
<b>HP</b>	Horsepower	<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>lbs/hr</b>	Pounds per Hour	<b>TAP</b>	Toxic Air Pollutant
<b>LDAR</b>	Leak Detection and Repair	<b>TPY</b>	Tons per Year
<b>M</b>	Thousand	<b>TRS</b>	Total Reduced Sulfur
<b>MACT</b>	Maximum Achievable Control Technology	<b>TSP</b>	Total Suspended Particulate
<b>MDHI</b>	Maximum Design Heat Input	<b>USEPA</b>	United States Environmental Protection Agency
<b>MM</b>	Million	<b>UTM</b>	Universal Transverse Mercator
<b>MMBtu/hr or mmbtu/hr</b>	Million British Thermal Units per Hour	<b>VEE</b>	Visual Emissions Evaluation
<b>MMCF/hr or mmcf/hr</b>	Million Cubic Feet per Hour	<b>VOC</b>	Volatile Organic Compounds
<b>NA</b>	Not Applicable	<b>VOL</b>	Volatile Organic Liquids
<b>NAAQS</b>	National Ambient Air Quality Standards		
<b>NESHAPS</b>	National Emissions Standards for Hazardous Air Pollutants		

### **2.3. Authority**

This permit is issued in accordance with West Virginia Air Pollution Control Law W.Va. Code §§22-5-1 et seq. and the following Legislative Rules promulgated thereunder:

- 2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation;*

### **2.4. Term and Renewal**

- 2.4.1. This permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any applicable legislative rule.

### **2.5. Duty to Comply**

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-3355T and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to;  
[45CSR§§13-5.11 and 13-10.3]
- 2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;
- 2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses and/or approvals from other agencies; i.e., local, state and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

### **2.6. Duty to Provide Information**

The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

## **2.7. Duty to Supplement and Correct Information**

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

## **2.8. Administrative Update**

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-4]

## **2.9. Permit Modification**

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-5.4.]

## **2.10. Major Permit Modification**

The permittee may request a major modification as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.

[45CSR§13-5.1]

## **2.11. Inspection and Entry**

The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

## **2.12. Emergency**

- 2.12.1. An "emergency" means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission



limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

- 2.12.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 are met.
- 2.12.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and,
  - d. The permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emission, and corrective actions taken.
- 2.12.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- 2.12.5. The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

### **2.13. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

### **2.14. Suspension of Activities**

In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by this permit, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

### **2.15. Property Rights**

This permit does not convey any property rights of any sort or any exclusive privilege.

**2.16. Severability**

The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

**2.17. Transferability**

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13.  
[45CSR§13-10.1]

**2.18. Notification Requirements**

The permittee shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

**2.19. Credible Evidence**

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defense otherwise available to the permittee including, but not limited to, any challenge to the credible evidence rule in the context of any future proceeding.

### 3.0. Facility-Wide Requirements

#### 3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.  
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.  
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.  
[40CFR§61.145(b) and 45CSR§34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.  
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.  
[45CSR§13-10.5.]
- 3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45 C.S.R. 11.  
[45CSR§11-5.2.]

#### 3.2. Monitoring Requirements

*[Reserved]*

#### 3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in

this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
- d. The permittee shall submit a report of the results of the stack test within sixty (60) days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1.; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
  1. The permit or rule evaluated, with the citation number and language;
  2. The result of the test for each permit or rule condition; and,
  3. A statement of compliance or noncompliance with each permit or rule condition.

**[WV Code § 22-5-4(a)(14-15) and 45CSR13]**

### 3.4. Recordkeeping Requirements

- 3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.
- 3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.  
**[45CSR§4. State-Enforceable only.]**

### 3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
- 3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- 3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

**If to the DAQ:**

Director  
WVDEP  
Division of Air Quality  
601 57th Street, SE  
Charleston, WV 25304-2345  
**DAQ Compliance and  
Enforcement<sup>1</sup>:**  
[DEPAirQualityReports@wv.gov](mailto:DEPAirQualityReports@wv.gov)

**If to the USEPA:**

Associate Director  
Office of Air Enforcement and Compliance Assistance  
(3AP20)  
U. S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

<sup>1</sup>For all self-monitoring reports (MACT, GACT, NSPS, etc.), stack tests and protocols, Notice of Compliance Status Reports, Initial Notifications, etc.

**3.5.4. Operating Fee.**

- 3.5.4.1. In accordance with 45CSR30 – Operating Permit Program, the permittee shall submit a Certified Emissions Statement (CES) and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.
- 3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

#### 4.0. Source-Specific Requirements

##### 4.1. Limitations and Standards

- 4.1.1. In accordance with the information filed in Permit Application R13-3355T, the equipment/processes identified under Table 1.0 of this permit shall be installed, maintained, and operated so as to minimize any fugitive escape of pollutants, shall not exceed the listed maximum design capacities, shall use the specified control devices, and shall not exceed the emission limits given in the following table for all of the portable equipment/processes combined :

	PM		PM <sub>10</sub>		SO <sub>x</sub>		NO <sub>x</sub>		VOC		CO		Total HAPs	
	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy
Equipment (less engine)	2.58	2.06	1.23	0.99										
Transfer Points	0.04	0.04	0.02	0.02										
Stockpiles	0.14	0.62	0.07	0.29										
Unpaved Haulroads	69.1	55.2	14.5	11.6										
Engine	0.01	0.01	0.01	0.01	0.56	0.45	0.72	0.58	0.68	0.54	0.45	0.36	0.01	0.01
<b>Total</b>	<b>71.9</b>	<b>57.9</b>	<b>15.8</b>	<b>12.9</b>	<b>0.56</b>	<b>0.45</b>	<b>0.72</b>	<b>0.58</b>	<b>0.68</b>	<b>0.54</b>	<b>0.45</b>	<b>0.36</b>	<b>0.01</b>	<b>0.01</b>

- 4.1.2. The maximum processing rate of material through the crusher and screen shall not exceed 400 TPH and 640,000 TPY. Said limit shall be based on a 6 month rolling total.
- 4.1.3. Fugitive particulate dust control systems shall be properly designed, installed, operated and maintained in such a manner so as to minimize the generation and atmospheric entrainment of fugitive particulate emissions. Opacity resulting from fugitive emissions shall not exceed 10 percent as determined by USEPA Method 9 visible emission monitoring procedures. Such systems for fugitive emission control shall, at a minimum, include, but not be limited to:
- 4.1.3.1. The permittee shall maintain a functional water truck on-site equipped with a pump and spraybars to apply water or a mixture of water and an environmentally acceptable dust control additive (solution) to haulroads and work areas where mobile equipment is used, and to stockpiles. The spraybars shall be equipped with commercially available spray nozzles of sufficient size and number so as to provide adequate coverage to the area being treated. The pump delivering the water or solution shall be of sufficient size and capacity to be capable of delivering to the spray nozzles an adequate quantity of water or solution at a sufficient pressure to ensure the minimization of atmospheric entrainment of fugitive particulate emissions generated from haul roads, work areas, and stockpiles. The water truck shall be in operation at all times when fugitive particulate emissions from haulroads, work areas, and stockpiles are generated as a result of activity or wind. Additionally, all roadways shall be watered a minimum of 3 times per day during operating hours except when rainfall has thoroughly wetted the roadways.
- 4.1.3.2. All water trucks and water sprays shall employ properly designed, installed, and maintained winterization systems in such a manner so that all fugitive particulate dust control systems remain functional when ambient temperatures are below 32 degrees Fahrenheit.
- 4.1.4. The permitted facility shall comply with all applicable requirements of 45CSR§7 - "To Prevent

and Control Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations,” provided that the facility shall comply with any more stringent requirements as may be set forth under section 4.1. of this permit. The pertinent sections of 45CSR§7 applicable to this facility include, but are not limited to, the following:

- 4.1.4.1. No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any process source operation which is greater than twenty (20) percent opacity, except as noted in subsections 3.2, 3.3, 3.4, 3.5, 3.6, and 3.7.  
[45CSR§7-3.1.]
- 4.1.4.2. The provisions of subsection 3.1 shall not apply to smoke and/or particulate matter emitted from any process source operation which is less than forty (40) percent opacity for any period or periods aggregating no more than five (5) minutes in any sixty (60) minute period.  
[45CSR§7-3.2.]
- 4.1.4.3. No person shall cause, suffer, allow or permit particulate matter to be vented into the open air from any type source operation or duplicate source operation, or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity specified under the appropriate source operation type in Table 45-7A found at the end of this rule.  
[45CSR§7-4.1].
- 4.1.4.4. No person shall cause, suffer, allow, or permit any manufacturing process generating fugitive particulate matter to operate that is not equipped with a system to minimize the emissions of fugitive particulate matter. To minimize means that a particulate capture or suppression system shall be installed to ensure the lowest fugitive particulate emissions reasonably achievable. The permitted facility shall comply with all applicable requirements of 45CSR§7, with the exception of any more stringent limitations set forth in Section 4.1. of this permit.  
[45CSR§7-5.1.]
- 4.1.4.5. The owner or operator of a plant shall maintain particulate matter control of the plant premises, and plant owned, leased or controlled access roads, by paving, application of asphalt, chemical dust suppressants or other suitable dust control measures. Good operating practices shall be implemented and when necessary particulate matter suppressants shall be applied in relation to stockpiling and general material handling to minimize particulate matter generation and atmospheric entrainment.  
[45CSR§7-5.2.]
- 4.1.5. The process rates contained in Table 1.0 of this permit shall not be exceeded. Additionally, the permittee shall install, maintain and operate all control devices listed in Table 1.0 of this permit.
- 4.1.6. The permittee shall comply with all applicable provisions of 40CFR60 Subpart OOO.
- 4.1.7. The facility is subject to 40 CFR 60 Subpart OOO, including but not limited to following:
  - 4.1.7.1. Except as provided in paragraphs (a)(2), (b), (c), and (d) of this section, the provisions of this subpart are applicable to the following affected facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station. Also, crushers and grinding mills at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement and subsequent affected facilities up to, but



not including, the first storage silo or bin are subject to the provisions of this subpart.  
[40CFR 60.670(a)(1)]

4.1.7.2. An affected facility under paragraph (a) of this section that commences construction, modification or reconstruction after August 31, 1983, is subject to the requirements of this part.  
[40CFR 60.670(e)]

4.1.7.3. Affected facilities must meet the fugitive emission limits and compliance requirements in Table 3 of this subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.8. The requirements in Table 3 of this subpart apply for fugitive emissions from affected facilities without capture systems and for fugitive emissions escaping capture systems.  
[40CFR 60.672(b)]

4.1.8. The facility is subject to 40 CFR 60 Subpart IIII, including but not limited to following:

4.1.8.1. Change oil and filter every 500 hours of operation or annually, whichever comes first.

4.1.8.2. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary.

4.1.8.3. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

4.1.8.4. Keep records of maintenance.

4.1.9. **Temporary Permit.** This permit is issued on a temporary basis and is only valid for six (6) months after the date of issue. If any of the units are expected to remain at the site after six (6) months, Applicant will prepare and submit an individual permit application for each such facility to continue to operate past the allowable time-frame of this permit.

4.1.10. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.  
[45CSR§13-5.11.]

## 4.2. Monitoring Requirements

4.2.1. For the purpose of determining compliance with the opacity limits of 45CSR7, the permittee shall conduct visible emission checks and/or opacity monitoring and recordkeeping for all emission sources subject to an opacity limit.

4.2.1.1. The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40CFR Part 60, Appendix

A, Method 9 certification course.

- 4.2.1.2. Visible emission checks shall be conducted at least once per calendar month with a maximum of forty-five (45) days between consecutive readings. These checks shall be performed at each source (stack, transfer point, fugitive emission source, etc.) for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Visible emission checks shall be performed during periods of normal facility operation and appropriate weather conditions.
- 4.2.1.3. If visible emissions are present at a source(s) for three (3) consecutive monthly checks, the permittee shall conduct an opacity reading at that source(s) using the procedures and requirements of Method 9 as soon as practicable, but within seventy-two (72) hours of the final visual emission check. A Method 9 observation at a source(s) restarts the count of the number of consecutive readings with the presence of visible emissions.
- 4.2.2. For the purpose of determining compliance with the maximum processing limitations established in 4.1.2 of this permit, the permittee shall keep monthly records of the amount of rock processed through the facility.
- 4.2.3. For the purpose of determining compliance with the requirements of 4.1.3 of this permit, the permittee shall maintain monthly records of the amount of water/solution used to control haulroad emissions.
- 4.2.4. For the purpose of determining compliance with 4.1.10. of this permit, the permittee will monitor and record the results of the Method 22 visible emissions monitoring. Should visible emissions be observed for three (3) days in a row, the permittee shall take corrective action as soon as practicable but in any case within 72 hours of the third Method 22 Observation.
- 4.2.7. The facility is subject to the monitoring requirements of 40 CFR 60 Subpart OOO, including but not limited to following:
  - 4.2.7.1. The owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses wet suppression to control emissions from the affected facility must perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression system. The owner or operator must initiate corrective action within 24 hours and complete corrective action as expediently as practical if the owner or operator finds that water is not flowing properly during an inspection of the water spray nozzles. The owner or operator must record each inspection of the water spray nozzles, including the date of each inspection and any corrective actions taken, in the logbook required under §60.676(b).  
**[40CFR 60.674(b)]**
  - 4.2.7.1.1. If an affected facility relies on water carryover from upstream water sprays to control fugitive emissions, then that affected facility is exempt from the 5 year repeat testing requirement specified in Table 3 of this subpart provided that the affected facility meets the criteria in paragraphs (b)(1)(i) and (ii).  
**[40CFR 60.674(b)(1)]**
  - 4.2.7.1.1.1. The owner or operator of the affected facility conducts periodic inspections of the upstream water spray(s) that are responsible for controlling fugitive emissions from the affected facility. These inspections are conducted according to paragraph (b) of this section and §60.676(b), and  
**[40CFR 60.674(b)(1)(i)]**

- 4.2.7.1.1.2. The owner or operator of the affected facility designates which upstream water sprays(s) will be periodically inspected at the time of the initial performance test required under §60.11 of this part and §60.675 of this subpart.  
[40CFR 60.674(b)(1)(ii)]
- 4.2.7.1.2. If an affected facility that routinely uses wet suppression water sprays ceases operation of the water sprays or is using a control mechanism to reduce fugitive emissions other than water sprays during the monthly inspection (for example, water from recent rainfall), the logbook entry required under §60.676(b) must specify the control mechanism being used instead of the water sprays.  
[40CFR 60.674(b)(2)]
- 4.2.8. The facility is subject to the monitoring requirements of 40 CFR 60 Subpart IIII, including but not limited to following:
  - 4.2.8.1. If you are an owner or operator and must comply with the emission standards specified in this subpart, you must do all of the following, except as permitted under paragraph (g) of this section:
    - 4.2.8.1.1. Operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's emission-related written instructions;
    - 4.2.8.1.2. Change only those emission-related settings that are permitted by the manufacturer;
    - 4.2.8.1.3. Meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you.
    - 4.2.8.1.4. If you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, you must demonstrate compliance as follows:
      - 4.2.8.1.4.1. If you are an owner or operator of a stationary CI internal combustion engine greater than or equal to 100 HP and less than or equal to 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after you change emission-related settings in a way that is not permitted by the manufacturer.

### **4.3. Testing Requirements**

- 4.3.1. [Reserved]

### **4.4. Recordkeeping Requirements**

- 4.4.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:
- a. The date, place as defined in this permit and time of sampling or measurements;
  - b. The date(s) analyses were performed;
  - c. The company or entity that performed the analyses;
  - d. The analytical techniques or methods used;
  - e. The results of the analyses; and
  - f. The operating conditions existing at the time of sampling or measurement.
- 4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
- 4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:
- a. The equipment involved.
  - b. Steps taken to minimize emissions during the event.
  - c. The duration of the event.
  - d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

- e. The cause of the malfunction.
  - f. Steps taken to correct the malfunction.
  - g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.
- 4.4.4. The permittee shall maintain records of all monitoring data required by Section 4.2 documenting the date and time of each visible emission check, the emission point or equipment / source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The permittee shall also record the general weather conditions (i.e. sunny, approximately 80°F, 6-10 mph NE wind) during the visual emission check(s). Should a visible emission observation be required to be performed per the requirements specified in Method 9, the data records of each observation shall be maintained per the requirements of Method 9. For

an emission unit out of service during the normal monthly evaluation, the record of observation may note "out of service" (O/S) or equivalent.

- 4.4.5. The facility is subject to the recordkeeping requirements of 40 CFR 60 Subpart OOO, including but not limited to following:

4.4.5.1. Owners or operators of affected facilities (as defined in §§60.670 and 60.671) for which construction, modification, or reconstruction commenced on or after April 22, 2008, must record each periodic inspection required under §60.674(b) or (c), including dates and any corrective actions taken, in a logbook (in written or electronic format). The owner or operator must keep the logbook onsite and make hard or electronic copies (whichever is requested) of the logbook available to the Administrator upon request.

**[40CFR 60.676(b)(1)]**

4.4.5.2. A notification of the actual date of initial startup of each affected facility shall be submitted to the Administrator.

**[40CFR 60.676(i)]**

4.4.5.2.1 For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted by the owner or operator to the Administrator. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.

**[40CFR 60.676(i)(1)]**

4.4.5.3. The requirements of this section remain in force until and unless the Agency, in delegating enforcement authority to a State under section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such States. In that event, affected facilities within the State will be relieved of the obligation to comply with the reporting requirements of this section, provided that they comply with requirements established by the State.

**[40CFR 60.676(j)]**

4.4.5.4. Notifications and reports required under this subpart and under subpart A of this part to demonstrate compliance with this subpart need only to be sent to the EPA Region or the State which has been delegated authority according to §60.4(b).

**[40CFR 60.676(k)]**

## **4.5. Reporting Requirements**

4.5.1. The permittee shall notify the Director within 5 days of discovery in the event that the any portable unit has remained on site at the facility for more than 6 consecutive months.

4.5.2. Owners or operators of affected facilities (as defined in §§60.670 and 60.671) for which construction, modification, or reconstruction commenced on or after April 22, 2008, must record each periodic inspection required under §60.674(b) or (c), including dates and any corrective actions taken, in a logbook (in written or electronic format). The owner or operator must keep the logbook onsite and make hard or electronic copies (whichever is requested) of the logbook available to the Administrator upon request.

**APPENDIX A <sup>1</sup>**

**Certified Daily and Monthly Amount of Material processed for Useable Product**

Month \_\_\_\_\_ Year \_\_\_\_\_

Day of Month	Material loaded into screen BS-01 (in tons)	Material transferred into crusher BS-02 (in tons)	1" Material transferred to Stockpiles OS-01 and OS-03 (in tons)	2" Material transferred to Stockpiles OS-02 and OS-04 (in tons)	3" Material transferred to Stockpile OS-05 (in tons)	Initials
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						
<b>Monthly Total</b>						
<b>6 Month Rolling Total <sup>2</sup></b>						

- (1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.
- (2) The 6 Month Rolling Total shall mean, for example, the sum of material loaded into crusher at any given time during the previous six (6) consecutive calendar months. The maximum permitted 6 Month Rolling Totals are as follows: Material loaded into crusher shall not exceed 640,000 Tons.

## APPENDIX B <sup>1</sup>

### Certified Daily and Monthly Water Flow to Spray Nozzles/Water Usage by the Pressurized Water Truck

Month \_\_\_\_\_ Year \_\_\_\_\_

Day of Month	Water Flow to Spray Nozzles (Y/N)	Water Truck Used (Y/N)	Quantity of water used <sup>2</sup> (gallons)	Comments <sup>3</sup>	Initials
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					

- (1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.
- (2) The quantity of water used may be estimated based on the volume of the tank and number of times the water truck was refilled.
- (3) Use the comment section to explain why the water spray system was not used or was used sparingly.

**APPENDIX C <sup>1</sup>**

**Monthly Opacity Record**

Date of Observation:

Data Entered by:

Reviewed by:

Date Reviewed:

Describe the General Weather Conditions:

Stack ID/Vent ID/ Emission Point ID	Stack/Vent/Emission Point Description	Time of Observation	Visible Emissions? Yes/No	Consecutive Months of Visual Emissions	Comments

- (1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.



### CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached \_\_\_\_\_, representing the period beginning \_\_\_\_\_ and ending \_\_\_\_\_, and any supporting documents appended hereto, is true, accurate, and complete.

Signature<sup>1</sup>

(please use blue ink)

\_\_\_\_\_  
Responsible Official or Authorized Representative

\_\_\_\_\_  
Date

Name and Title

(please print or type)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Telephone No. \_\_\_\_\_

Fax No. \_\_\_\_\_

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<sup>1</sup> This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

- a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
  - (I) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
  - (ii) the delegation of authority to such representative is approved in advance by the Director;
- b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or
- d. The designated representative delegated with such authority and approved in advance by the Director.